

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SLY MAGAZINE, LLC,

Plaintiff,

CASE NO. 07 CV 6265

-against-

NOTICE OF MOTION

CURTIS CIRCULATION COMPANY, HUDSON  
NEWS COMPANY, WAL-MART STORES, INC.,  
CHAS LEVY CIRCULATING CO., LLC,  
ANDERSON NEWS, LLC, MAGAZINE  
DISTRIBUTORS, INCORPORATED, INGRAM  
PERIODICALS, INC., THE NEWS GROUP,  
INC., AND GOPHER NEWS COMPANY,

Defendants.

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PLEASE TAKE NOTICE, that upon the annexed Affirmation of Ralph F. Schoene, affirmed the 20<sup>th</sup> day of August, 2007, and upon the Affidavit of Bruce H. Jones, sworn to on the 17<sup>th</sup> day of August, 2007, the accompanying Memorandum of Law and the exhibits annexed hereto, the undersigned attorneys for the defendant, INGRAM PERIODICALS, INC., will move this court before the Hon. Deorah A. Batts at the courthouse located at 500 Pearl Street, New York, New York 10017 on the 13<sup>th</sup> day of September, 2007, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order dismissing plaintiff's complaint insofar as it alleges causes of action against defendant INGRAM PERIODICALS, INC. upon the grounds that the complaint fails to state a cause of action.

Dated: White Plains, New York  
August 20, 2007

VOUTÉ, LOHRFINK, MAGRO & COLLINS, LLP

By: \_\_\_\_\_  
Ralph F. Schoene (4547)

Attorneys for Defendant  
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JENNER & BLOCK, LLP  
Attorneys for Defendants  
CURTIS CIRCULATION COMPANY,  
HUDSON NEWS COMPANY, WAL-MART  
STORES, INC., CHAS LEVY CIRCULATING CO.,  
LLC, ANDERSON NEWS, LLC, MAGAZINE  
DISTRIBUTORS, INCORPORATED, THE NEWS  
GROUP, INC., AND GOPHER NEWS COMPANY,  
919 Third Avenue, 37<sup>th</sup> Floor  
New York, New York 10022-3908

116-11-20321/mas